



# **CITY COUNCIL AGENDA REPORT**

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MEETING DATE: JANUARY 6, 2009

ITEM NO:

**SUBJECT:** APPEAL OF PLANNING APPLICATION PA-07-39  
2089, 2099 HARBOR BOULEVARD AND 511 HAMILTON STREET

**DATE:** DECEMBER 24, 2008

**FROM:** DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY:** DONALD D. LAMM, DIRECTOR  
WENDY SHIH, ASSOCIATE PLANNER

**FOR FURTHER INFORMATION CONTACT:** WENDY SHIH (714) 754-5136

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## **RECOMMENDATION:**

Adopt a resolution upholding, reversing, or modifying Planning Commission's decision to deny Planning Application PA-07-39, a master plan to remodel three commercial buildings and construct four new buildings to create a retail center.

## **BACKGROUND:**

### **Appeal Summary:**

Anna R. Lauri, representing Red Mountain Retail Group, appealed Commission's denial of the retail center master plan proposed at 2089, 2099 Harbor Boulevard and 511 Hamilton Street. The appellant states the master plan does meet the goals of the City's General Plan and Zoning Code, and the Commission failed to include any substantial findings for denial of the project (Attachment 4).

### **Property Location:**

The project site consists of five lots located on the southwest corner of Harbor Boulevard and Hamilton Street. The site has frontage on Harbor Boulevard, Hamilton Street, and Charle Street (see Attachment 1).

The site is unoccupied and all existing buildings are boarded up (see Attachment 1). The following table summarizes previous uses and development on the properties:

<b>2089 Harbor</b>	Contains two one-story buildings formerly used as Randy's Automotive Repair Shop. The repair shop was established prior to City's incorporation. The storage/parking lot used by the repair shop abuts Charle Street.
<b>2099 Harbor</b>	Contains a one- and two-story medical office building constructed in 1961.
<b>511 Hamilton</b>	Vacant lot that contained a home with a repair shop, which was demolished in 2003.

**Previous Action:**

In April 2007, Council approved a rezone of the properties from C2 (General Business District) to PDC (Planned Development Commercial). The applicant's proposal at that time was to remodel the existing buildings along Harbor Boulevard and construct multiple family residential units (maximum density of 20 dwelling units per acre) along Charle Street.

**Current Project Request:**

As noted below, the applicant proposes to remodel three buildings and construct four new buildings to create a 19,000 square-foot retail commercial center. The residential component originally proposed has been eliminated.

1. Remodel the three existing one- and two-story buildings and refurbish the buildings' exteriors with new materials, primarily stucco and metal panels, as shown in Attachment 2.
2. Construct four new one-story commercial buildings, provide 95 on-site parking spaces, and install new landscaping.

The applicant also proposes to combine the five lots into a single parcel through a lot line adjustment if the project is approved.

**Commission Action:**

On November 10, 2008, Commission denied the project on a 3-2 vote (Commission Chair Hall and Commissioner Clark voting no). In denying the project, Commission found that the project did not meet the broader goals of the General Plan and the Zoning Code. Specifically, the Commission was concerned with the following:

- Existing buildings have nonconforming setbacks from the street. New developments are required to have a 20-foot deep landscape setback along street frontages; the building at the corner has setbacks ranging from 10 feet to zero feet.
- New buildings at the rear of the property will have limited visibility from Harbor Boulevard which will hinder the center's viability for future tenants and the surrounding community.

On November 17, 2008, the applicant appealed Commission's denial of the project.

**Environmental Review:**

An Initial Study/Mitigated Negative Declaration (IS/MD) was prepared for this project since the groundwater on a portion of the site, used by Randy's Automotive Repair Shop, is potentially contaminated with diesel and gasoline. The IS/MD concluded that any potential impacts could be mitigated through remediation as required by State and County agencies. As required by CEQA, the IS/MD was available for public review from October 22, 2008, to November 10, 2008.

**Additional Background Information:**

The Planning Commission staff report for the November 10, 2008 meeting can be viewed on the City website at:

<http://www.ci.costa-mesa.ca.us/council/planning/2008-11-10/111008PA0739Suppl.pdf>

The Planning Commission meeting minutes from November 10, 2008 can be viewed on the City's website at:

[http://www.ci.costa-mesa.ca.us/council/planning/pm\\_081110.pdf](http://www.ci.costa-mesa.ca.us/council/planning/pm_081110.pdf)

**ALTERNATIVES CONSIDERED:**

City Council may consider the following alternatives:

1. Uphold Planning Commission's denial of the project. This alternative would not allow the project to proceed. The applicant would not be able to submit a similar request for six months. This alternative corresponds to the draft resolution in Attachment 3A.
2. Reverse the Planning Commission's decision and approve the project, subject to conditions of approval, and adopt the IS/MND. This alternative corresponds to the draft resolution in Attachment 3B.

**FISCAL REVIEW:**

Fiscal review is not required.

**LEGAL REVIEW:**

The attached resolutions were reviewed and approved as to form by the City Attorney.

**CONCLUSION:**

The appellant believes Commission's denial of the project should be reversed because the master plan meets the goals of the City's General Plan and the Zoning Code. The Planning Commission denied this project because they believed the remodeling of existing nonconforming buildings would not create a viable development for future tenants or the surrounding community.

  
WENDY SHIH  
Associate Planner

  
DONALD D. LAMM, AICP  
Deputy City Mgr. – Dev. Svs. Director

- Attachments
1. Site Photos and Location Map
  2. Plans
  3. Draft City Council Resolutions
  4. Appeal Application
  5. Planning Commission Resolution
  6. Initial Study/Mitigated Negative Declaration (Separately Bound)

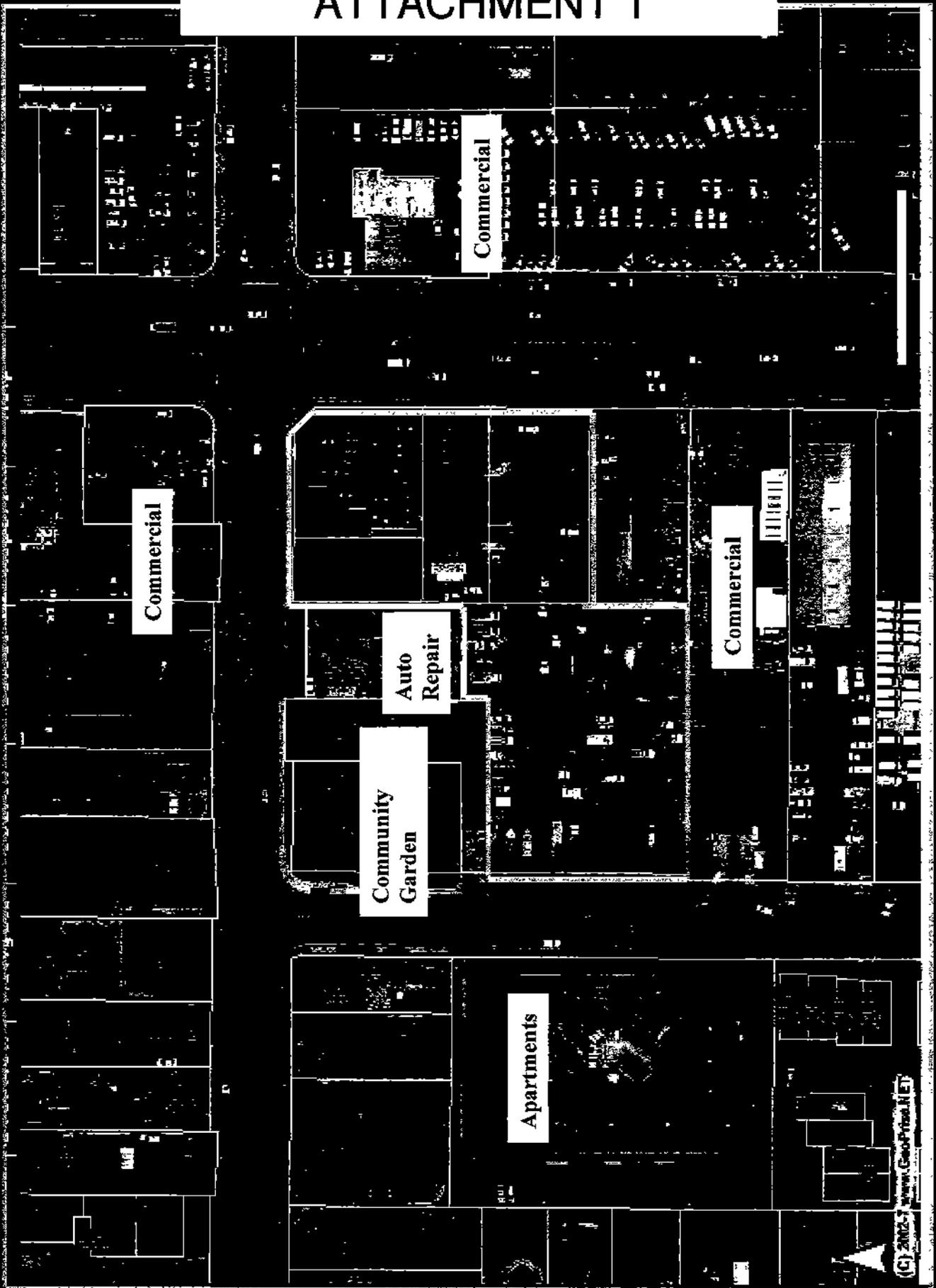
Distribution:

- City Manager
- Assistant City Manager
- City Attorney
- Deputy City Mgr.-Development Svs. Dir.
- Public Services Director
- City Clerk (2)
- Staff (4)
- File (2)

Anna R. Lauri  
Red Mountain Retail Group  
1234 East 17<sup>th</sup> Street  
Santa Ana, CA 92701

File: 010609PA0739Appeal	Date: 122408	Time: 10:30 a.m.
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# ATTACHMENT 1

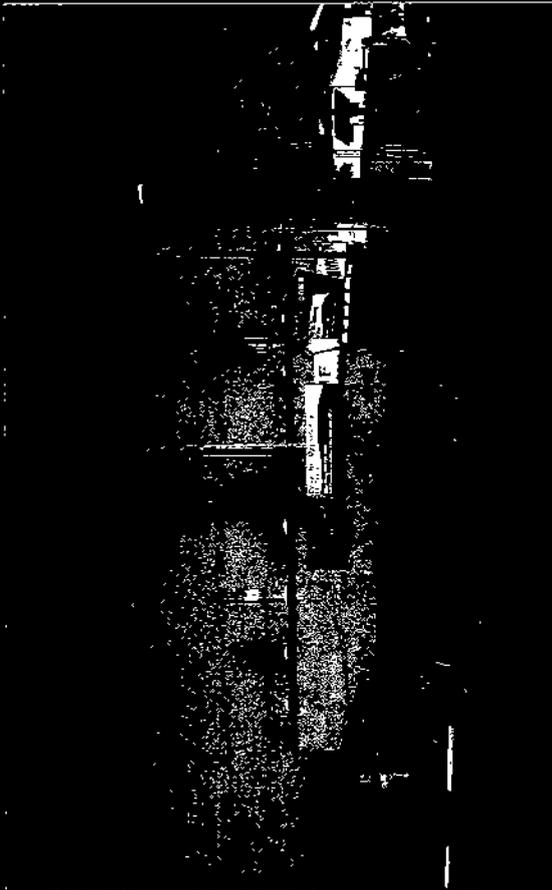




Harbor Boulevard

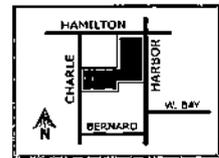
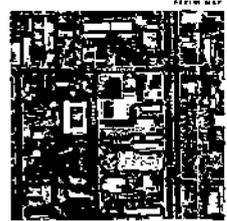
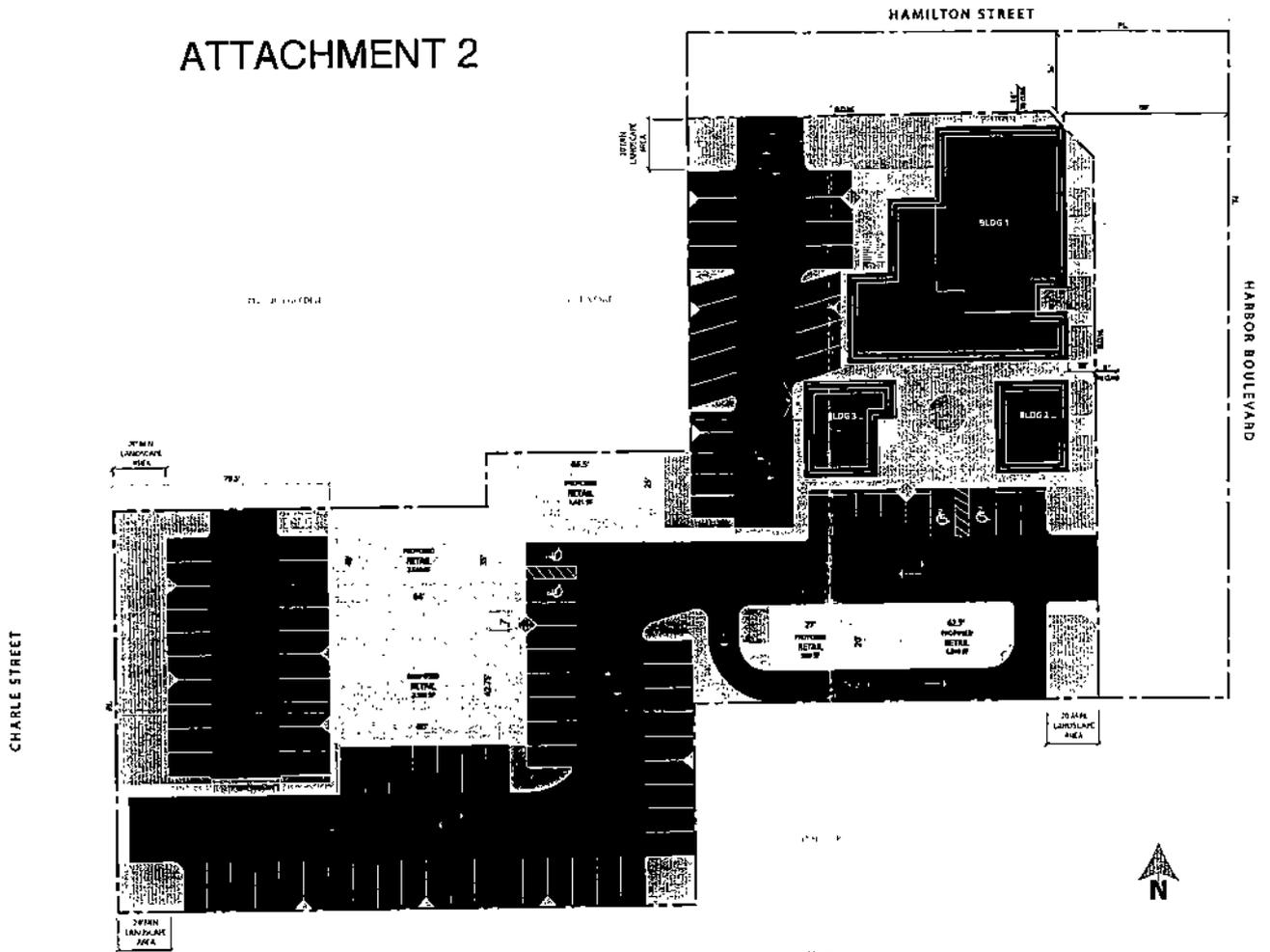


Charles Street



Hamilton Street

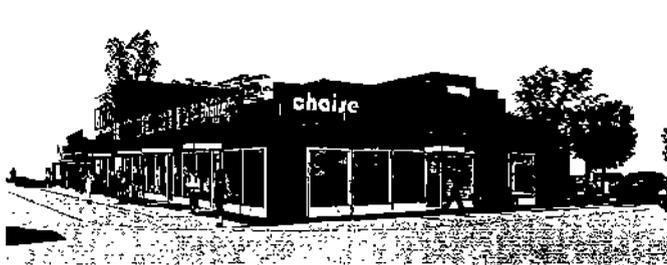
# ATTACHMENT 2



K  
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96



LOOKING NORTH ON HARBOR



CORNER VIEW OF HARBOR AND HAMILTON



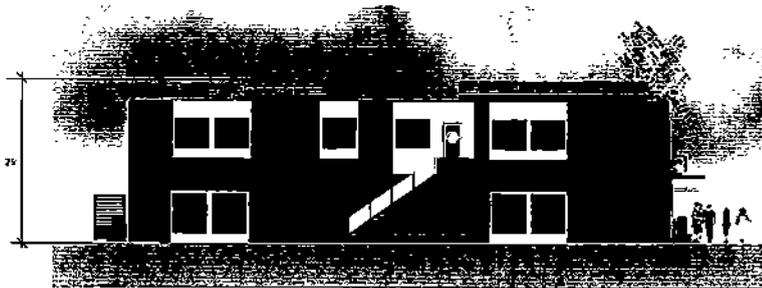
TWO STORY



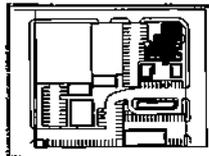
NORTH HAMILTON STREET ELEVATION



EAST SIDE



SOUTH



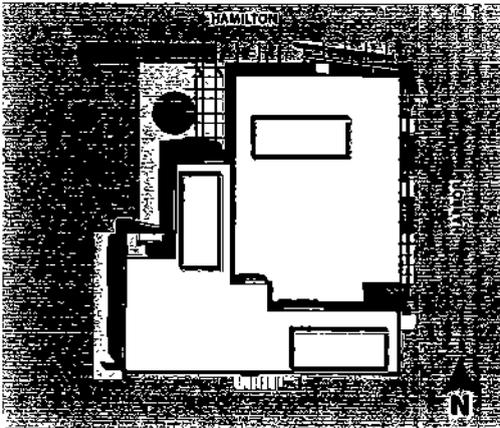
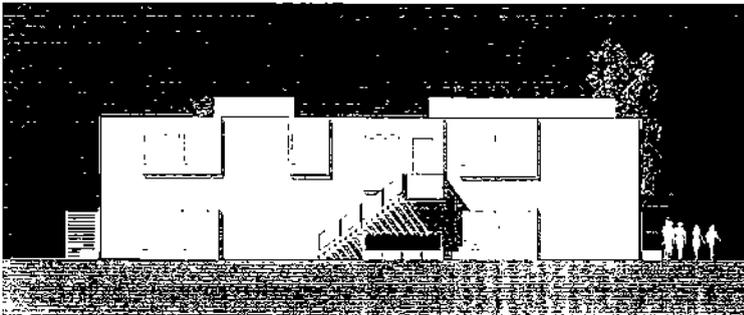
KEY SITE PLAN



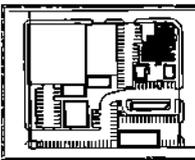
NORTH HAMILTON STREET ELEVATION



SOUTH



PLAN NTS



KEY SITE PLAN



VIEW FROM HARBOR BOULEVARD



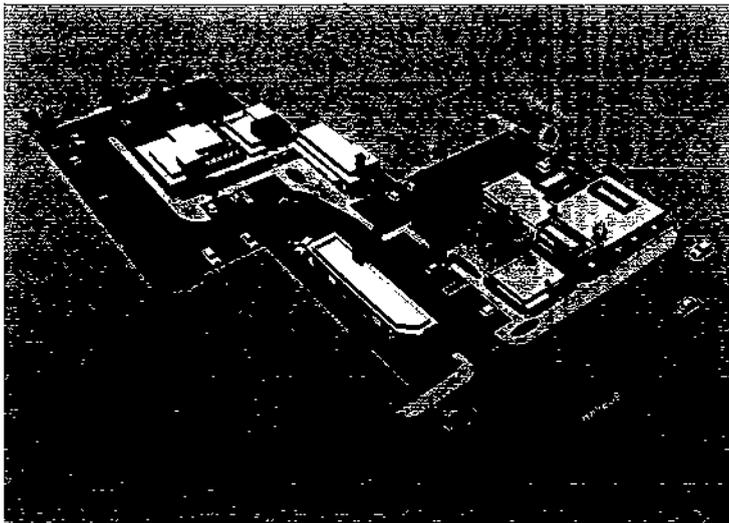
WEST



EAST



NORTH



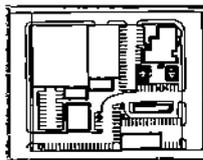
VIEW LOOKING NORTHWEST



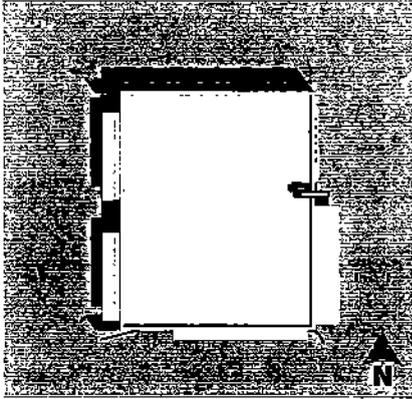
WEST



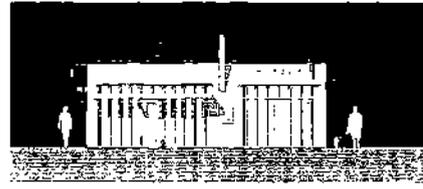
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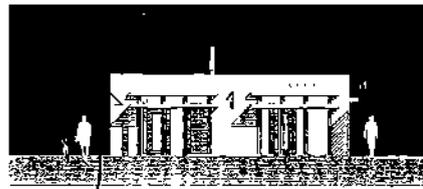
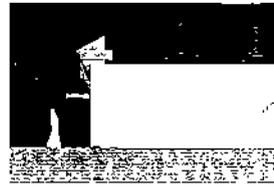
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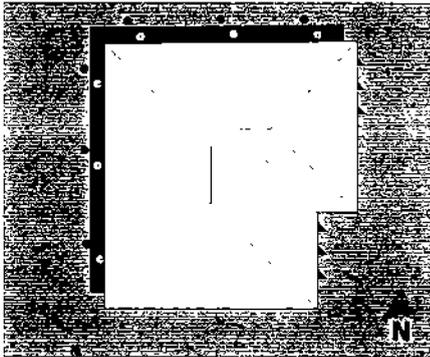
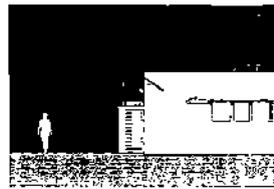
PLAN  
BUILDING 2



EAST ELEVATION



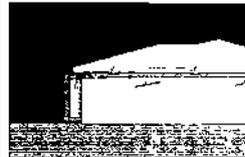
WEST



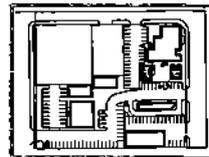
PLAN  
BUILDING 3



EAST



SOUTH



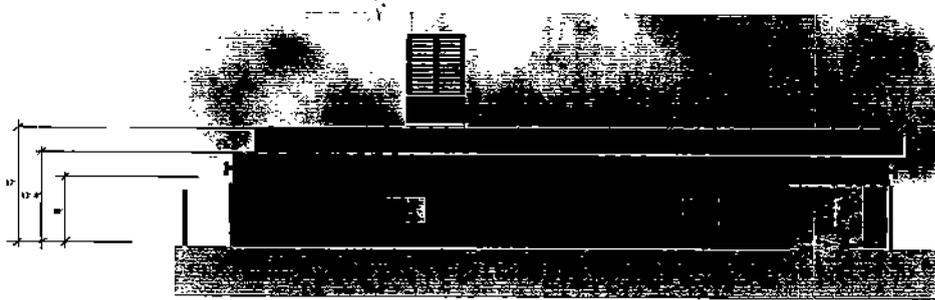
KEY SITE PLAN



NORTH



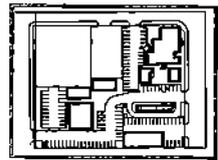
EAST



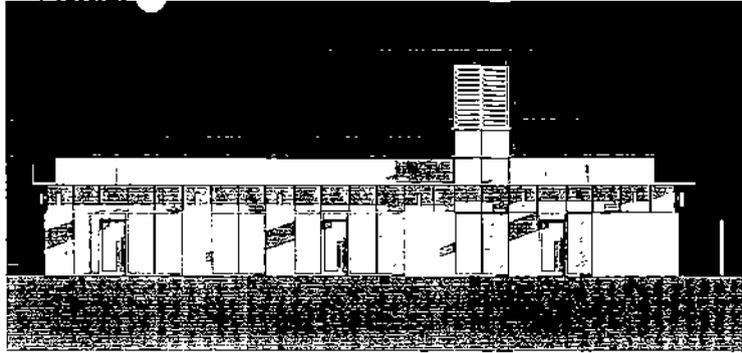
SOUTH



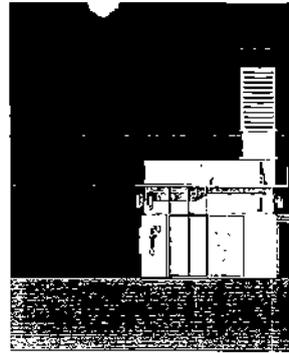
VIEW FROM HARBOR BOULEVARD



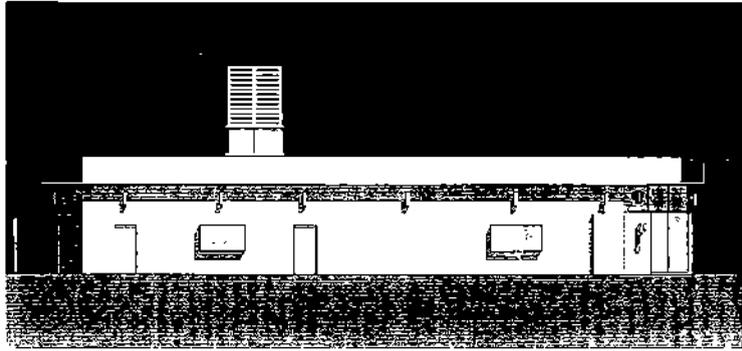
KEY SITE PLAN



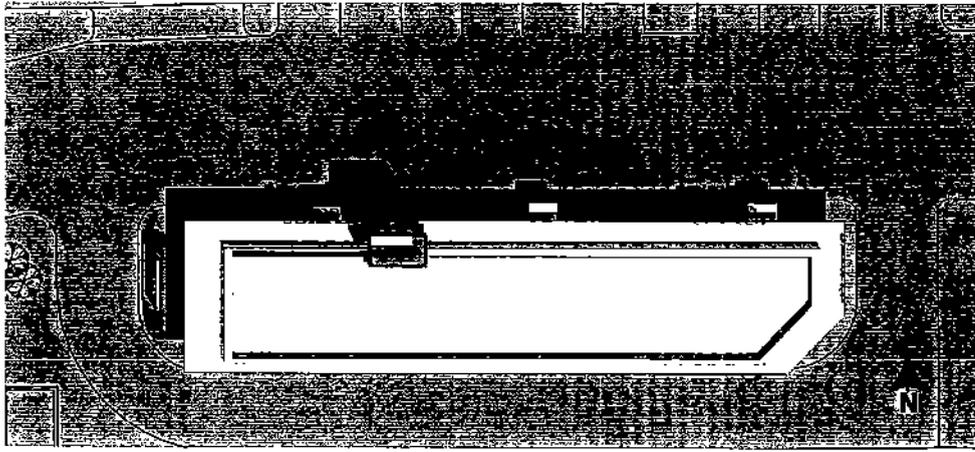
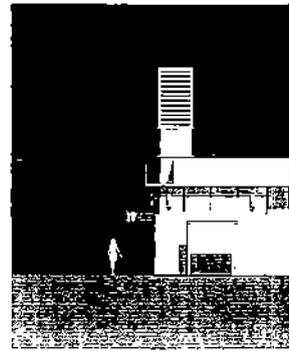
NORTH



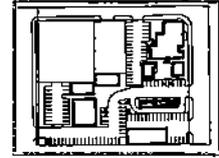
EAST W



SOUTH



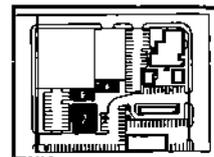
PLAN VIEW



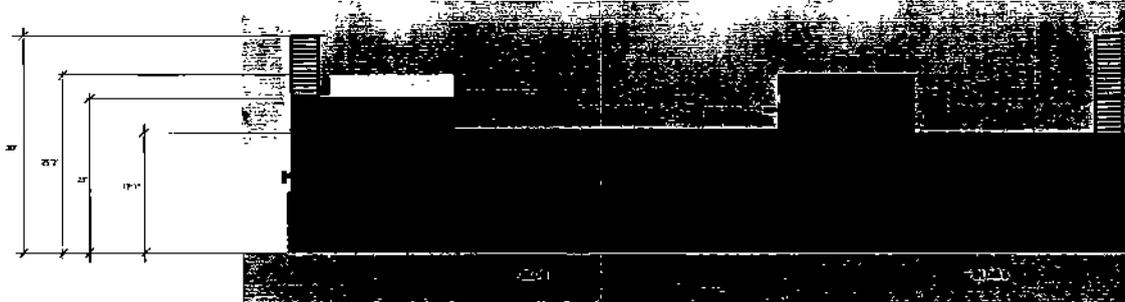
KEY SITE PLAN



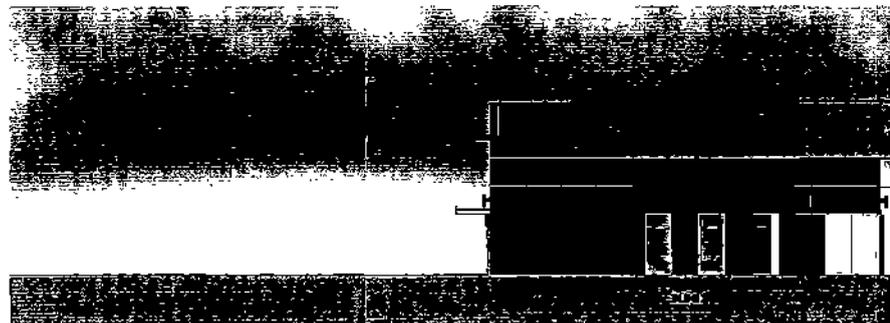
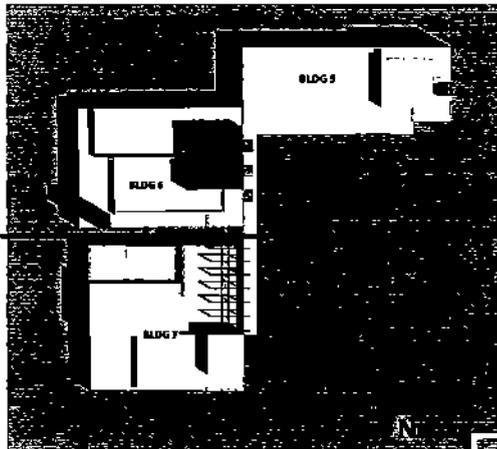
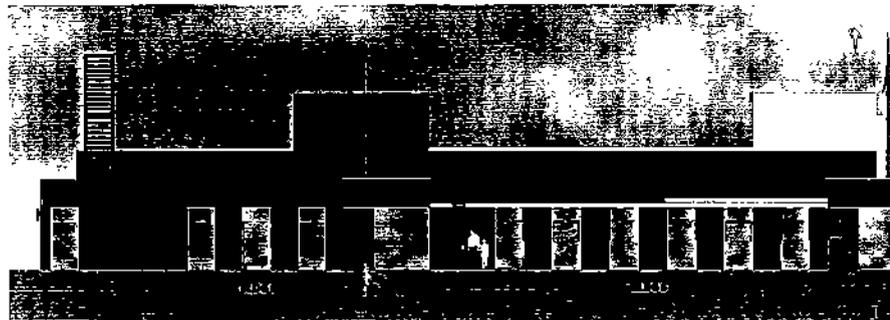
VIEW FROM HARBOR TO BLDGS 5, 6 & 7



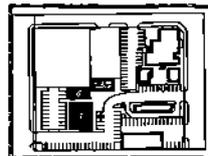
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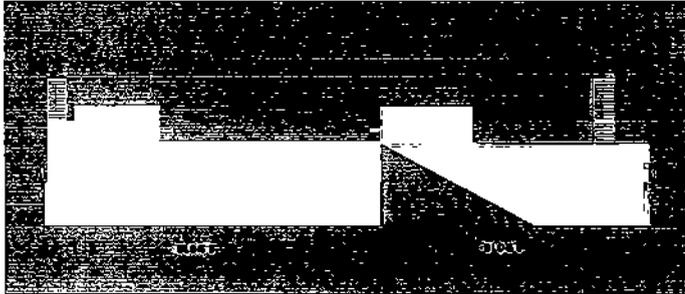
AUTO ENTRY FROM CHARLE STREET



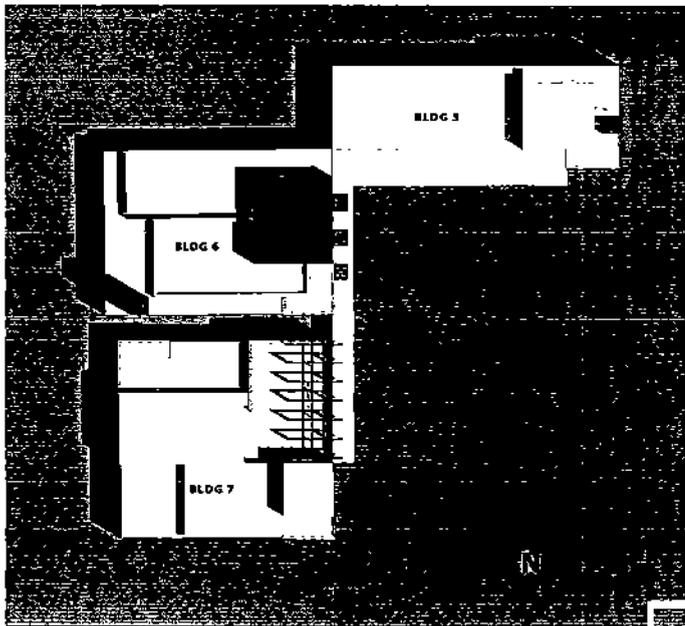
PLAN VIEW



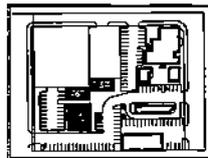
KEY SITE PLAN



NORTH N.T.S



PLAN VIEW N.T.S



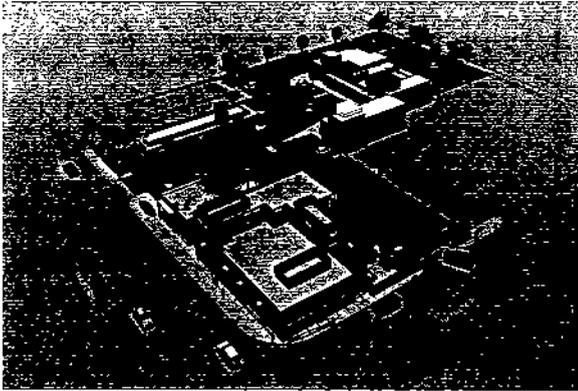
KEY SITE PLAN



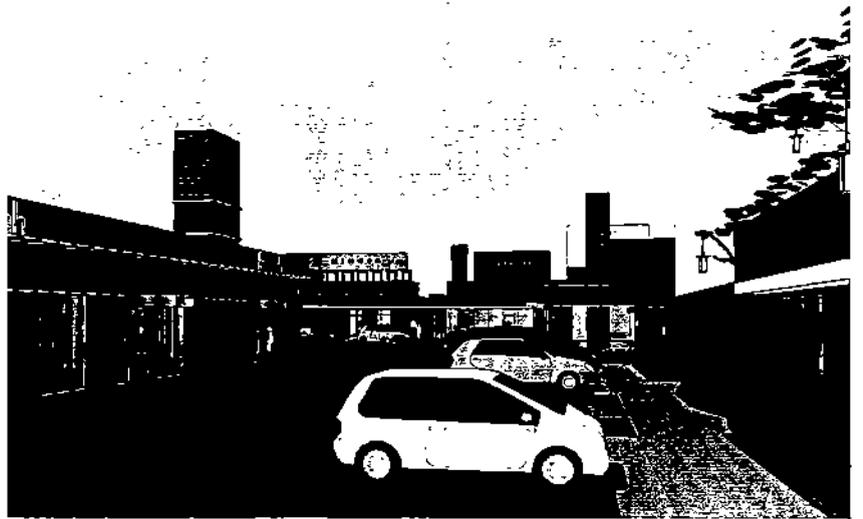
EAST HARBOR BOULEVA



HAMILTON STREET ELEVATION



VIEW LOOKING SOUTH



AUTO ENTRY FROM HARBOR BLVD

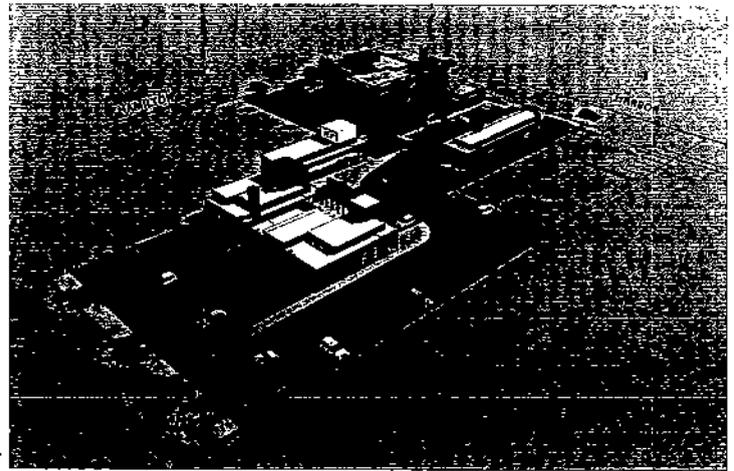


CHARLE STREET ELEVATION

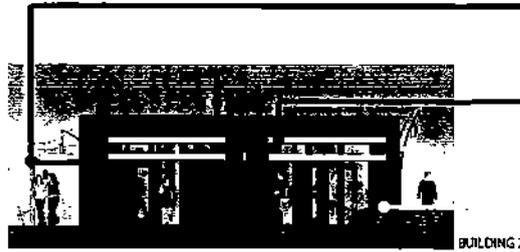


AUTO ENTRY FROM HAMILTON

VIEW LOOKING NORTHEAST



HARDI PANEL CEMENT BOARD  
SMOOTH FINISH WITH PAINTED TEXTURE



BUILDING 2



BUILDING 3



BUILDING 4



BUILDING 7

BUILDING 6

BUILDING 5



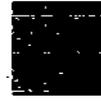
STEEL COLUMN  
ICI DULUX 1462 EASTON BLUE



MERLEX STUCCO  
EXTRA FINE TEXTURE STUCCO  
PAINTED SURFACE  
ICI DULUX 943 GATEWAY



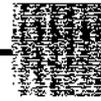
MERLEX STUCCO  
SAND FINISH TEXTURE STUCCO  
ICI DULUX 943 GATEWAY



PRODEMA WOOD CLADDING  
PLYWOOD FACADE BOARDS  
COLOR MARRON TOSTADO



MERLEX STUCCO  
EXTRA FINE TEXTURE STUCCO  
PAINTED SURFACE  
ICI DULUX 943 GATEWAY



MERLEX STUCCO  
EXTRA FINE TEXTURE STUCCO  
PAINTED SURFACE  
ICI DULUX 1462 EASTON BLUE



MERLEX STUCCO  
EXTRA FINE TEXTURE STUCCO  
PAINTED SURFACE  
ICI DULUX 466 GOLDEN GATE



METAL SALES MANUFACTURING CO  
VERTICAL SEAM METAL WALL ARCHITECTURAL  
MIDNIGHT BRONZE W62



PRODEMA WOOD CLADDING  
PLYWOOD FACADE PANELS  
COLOR MARRON TOSTADO



BRUSHED PERFORATED METAL  
STAINLESS STEEL OR ALUMINUM

UNITED STATES ALUMINUM  
SERIES 7200  
COLOR WARM SILVER

**PRODUCTS**



**METAL SALES MANUFACTURING C**  
VERTICAL SEAM METAL WALL ARCHITECTURE  
MIDNIGHT BRONZE W62

**LOUVERED SCREEN PANEL**  
NATURAL GALVANIZED STEEL

**MERLEX STUCCO**  
EXTRA FINE TEXTURE STUCCO  
HARD TROWEL SMOOTH FINISH  
NATURAL MICA DARK GRANITE

**BRUSHED PERFORATED METAL**  
STAINLESS STEEL OR ALUMINUM

**UNITED STATES ALUMINUM**  
SERIES 7200 CENTER GLAZE WITH  
SOLID PANELS  
COLOR WARM SILVER



BUILDING 1

**ATTACHMENT 3A**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA UPHOLDING PLANNING COMMISSION'S DECISION AND DENYING PLANNING APPLICATION PA-07-39**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Anna R. Lauri of Red Mountain Retail Group for Harbor Hamilton, LLC, owner of real properties located at 2089, 2099 Harbor Boulevard and 511 Hamilton Street, requesting approval of a master plan to remodel three existing buildings and construct four new buildings for a 19,000 square-foot commercial center; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 10, 2008, and Planning Application PA-07-39 was denied by the Planning Commission; and

WHEREAS, on November 17, 2008, Planning Commission's decision was appealed by the applicant to the City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on December 2, 2008, and continued to January 6, 2009.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A, the City Council hereby **DENIES** Planning Application PA-07-39 with respect to the properties described above.

**PASSED AND ADOPTED this 6<sup>th</sup> day of January 2009.**

**ATTEST:**

\_\_\_\_\_  
**City Clerk of the City of Costa Mesa**

\_\_\_\_\_  
**Mayor of the City of Costa Mesa**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**City Attorney**

**FINDINGS (DENIAL)**

- A. The project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
1. The project is not compatible and harmonious with uses on surrounding properties.
  2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(5) in that the master plan does not meet the broader goals of the General Plan and the Zoning Code. Specifically, the existing buildings at the corner of the property, which were proposed to be remodeled in conjunction with the construction of new buildings, are nonconforming with regard to building setbacks from the street, resulting in reduced landscape setbacks on a visible corner lot. Additionally, the location of the proposed new buildings will have limited visibility from Harbor Boulevard due to the location of the existing buildings, and will not create a viable development for future tenants. This project does not exhibit excellence in design, site planning, integration of uses, and protection of the integrity of neighboring development.
- C. The Costa Mesa City Council has denied PA-07-39. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.

**ATTACHMENT 3B**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REVERSING PLANNING COMMISSION'S DECISION AND ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND APPROVING PLANNING APPLICATION PA-07-39**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Anna R. Lauri of Red Mountain Retail Group for Harbor Hamilton, LLC, owner of real properties located at 2089, 2099 Harbor Boulevard and 511 Hamilton Street, requesting approval of a master plan to remodel three existing buildings and construct four new buildings for a 19,000 square-foot commercial center; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 10, 2008, and Planning Application PA-07-39 was denied by the Planning Commission; and

WHEREAS, on November 17, 2008, Planning Commission's decision was appealed by the applicant to the City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on December 2, 2008, and continued to January 6, 2009; and

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and an Initial Study/Mitigated Negative Declaration was prepared and made available for public review from October 22, 2008, to November 10, 2008, as required by CEQA; and

WHEREAS, the City Council has reviewed the Initial Study/Mitigated Negative Declaration and has found that it considers all environmental impacts of the proposed project and is complete and adequate and fully complies with all requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines; and

WHEREAS, the Initial Study/Mitigated Negative Declaration reflects the independent judgment of the City of Costa Mesa.

BE IT RESOLVED that the Costa Mesa City Council does hereby **ADOPT** the Initial Study/Mitigated Negative Declaration as complete and adequate in that it addresses all environmental effects on the project and fully complies with the requirements of CEQA, the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines.

BE IT FURTHER RESOLVED that, according to the Initial Study/Mitigated Negative Declaration, the proposed project would not have a significant effect on the environment. Additionally, the evidence in the record as a whole indicates that the project will not or cumulatively have an adverse effect on wildlife resources or habitat; and

BE IT FURTHER RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B", as well as conformance with the Mitigation Measures and Mitigation Monitoring Program contained in Exhibit "C", the City Council hereby **APPROVES** Planning Application PA-07-39 with respect to the properties described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-07-39 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, State, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 6<sup>th</sup> day of January 2009.**

**ATTEST:**

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**City Clerk of the City of Costa Mesa**

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**Mayor of the City of Costa Mesa**

**APPROVED AS TO FORM:**

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**City Attorney**

**EXHIBIT "A"**

**FINDINGS (APPROVAL)**

- A. The proposed use complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
  2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  3. The project is consistent with the General Plan with the approval of a master plan. It is consistent with General Plan Land Use goals and objectives that encourage lot combination for a single project that is compatible with other properties in the vicinity.
  4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(5) in that the master plan meets the broader goals of the General Plan and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development. Specifically, the proposed construction complies with all applicable Planned Development Commercial development standards and would allow for revitalization of the site without creating significant environmental impacts. The proposed project is consistent with existing commercial and residential properties in the vicinity.
- C. An initial study/mitigated negative declaration was prepared, pursuant to the California Environmental Quality Act. Although the proposed project could have a significant effect on the environment, according to the initial study and mitigated negative declaration, which reflect the independent judgment of the City of Costa Mesa, there will not be a significant effect on the environment because mitigation measures have been added to the project.
- D. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

## EXHIBIT "B" (Revised)

### CONDITIONS OF APPROVAL (If project is approved)

- Plng.
1. The applicant shall install a minimum 6-foot high decorative block wall with a 15-foot landscaped setback along Charle Street and 5-foot planter behind the wall. This condition shall be completed under the direction of the Planning Division.
  2. The applicant shall install a gate to close every night between 11 p.m. and 6 a.m. to prohibit access to Charle Street.
  3. Exterior elevations with sample color/materials board shall be submitted to the Planning Division as part of the plan check submittal package.
  4. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
  5. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
  6. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning Division.
  7. All rooftop mechanical equipment shall be screened from view from on- and off-site under the direction of the Planning Division.
  8. SCAQMD Rule 403 shall be adhered to, ensuring the clean up of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile, or disturbed surface area beyond the property line of the emission source. Particulate matter deposits on public roadways are also prohibited.
  9. Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day
  10. Grading operations shall be suspended during first and second stage ozone episodes or when winds exceed 25 mph.
  11. Demolition permits for existing structures shall be obtained and all work and

inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.

12. All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
13. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
- \* MM 14. Prior to issuance of a demolition or building permit for interior renovation  
4.7-1 related to the implementation of the proposed project, the developer shall provide evidence to the City of Costa Mesa Planning Division that an inspection of the existing on-site structures has been completed. The inspection shall assess the presence of asbestos, lead-based paint, hazardous solvents/chemicals, or any other potentially hazardous substances. Any identified hazardous substance shall be handled, transported, and disposed of in accordance with all applicable federal, state, and city regulations.

Specifically, an asbestos survey adhering to Asbestos Hazardous Emergency Response Act (AHERA) sampling protocol shall be performed prior to demolition or renovation activities that may disturb asbestos-containing materials (ACM's). If asbestos is found in the buildings, asbestos-related work, including interior demolition and renovation involving 100 square feet or more of asbestos containing materials shall be performed by a licensed asbestos abatement contractor under the supervision of a certified asbestos consultant.

The developer shall also prepare a demolition plan to include provisions that during demolition/renovation of any building, if paint is separated from the building material, the paint waste will be evaluated independently from the building material by a qualified hazardous material inspector to determine its proper management. Federal Occupational and Safety Health Administration (OSHA) and California Division of Occupational Safety and Health (DOSH) regulations shall be followed, as applicable.

- \* MM 15. Prior to issuance of grading permits, the developer shall fully comply with  
4.7-2 the recommendations of the Remediation Plan of the Phase 2 Environmental Site Assessment. All environmental investigations, sampling and/or remediation for the site, shall be conducted under a Work Plan/Remediation Action Plan, approved and overseen either by the Santa Ana Regional Water Quality Control Board, the Orange County Health Care Agency, or other appropriate regulatory agency with jurisdiction for hazardous substance cleanup.

Developer shall provide proof to the City of Costa Mesa Planning Division in the form of written correspondence that either the Santa Ana Regional Water Quality Control Board, the Orange County Health Care Agency, or

other appropriate regulatory agency, has been consulted for guidance and oversight with regard to the Remediation Action Plan.

- \* MM 4.7-3 16. Prior to the issuance of building permits for any of the new commercial buildings, the developer shall submit to the Planning Division either a **“letter of case closure”** or a letter stating that the site is deemed suitable for the construction of commercial buildings, from either the Santa Ana Regional Water Quality Control Board, Orange County Health Care Agency, or other appropriate regulatory agency with jurisdiction regarding remediation of leaking underground storage tanks and any other hazardous substances issues.
17. The conditions of approval and ordinance or code provisions and special district requirements of Planning Application PA-07-39 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
18. The applicant shall contact the Planning Division to arrange for a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
- Fire Eng. 19. Provide one (1) Class A fire hydrant to be located near Building no. 5.
20. Maintain the public Right-of-Way in a “wet-down” condition to prevent excessive dust and remove any spillage from the public Right-of-Way by sweeping or sprinkling.
- Plng. 21. The site shall be improved to the maximum extent feasible, including, but not limited to, perimeter landscaping, block wall and gates along Charle Street, parking lot, and security lights, prior to occupancy of any of the new and/or existing buildings. This condition shall be completed under the direction of the Planning Division.

\* These mitigation measures of the negative declaration have been included as conditions of approval. If any of these conditions are removed, the decision-making body must make a finding that the project will still not result in significant environmental impacts and that the negative declaration is still valid.

**EXHIBIT "C" (Revised)**

**Mitigation Monitoring Program**

Environmental Section	Timing	Responsible Party
<b>Mitigation Measures</b>		
<b>HAZARDOUS MATERIALS</b>		
<p><b>MM 4.7-1</b> Prior to issuance of a demolition or building permit for interior renovation related to the implementation of the proposed project, the developer shall provide evidence to the City of Costa Mesa Planning Division that an inspection of the existing on-site structures has been completed. The inspection shall assess the presence of asbestos, lead-based paint, hazardous solvents/chemicals, or any other potentially hazardous substances. Any identified hazardous substance shall be handled, transported, and disposed of in accordance with all applicable federal, state, and city regulations.</p> <p>Specifically, an asbestos survey adhering to Asbestos Hazardous Emergency Response Act (AHERA) sampling protocol shall be performed prior to demolition or renovation activities that may disturb asbestos-containing materials (ACM's). If asbestos is found in the buildings, asbestos-related work, including interior demolition and renovation involving 100 square feet or more of asbestos containing materials shall be performed by a licensed asbestos abatement contractor under the supervision of a certified asbestos consultant.</p> <p>The developer shall also prepare a demolition plan to include provisions that during demolition/renovation of any building, if paint is separated from the building material, the paint waste will be evaluated independently from the building material by a qualified hazardous material inspector to determine its proper management. Federal Occupational and Safety Health Administration (OSHA) and California Division of Occupational Safety and Health (DOSH) regulations shall be followed, as applicable.</p>	Prior to issuance of demolition or building permit for interior renovation	Developer
<p><b>MM 4.7-2</b> Prior to issuance of grading permits, the developer shall fully comply with the recommendations of the Remediation Plan of the Phase 2 Environmental Site Assessment. All environmental investigations, sampling and/or remediation for the site, shall be conducted under a Work Plan/Remediation Action Plan, approved and overseen either by the Santa Ana Regional Water Quality Control Board, the Orange County Health Care</p>	Prior to issuance of grading permits	Developer

<p><b>MM 4.7-3</b></p>	<p>Agency, or other appropriate regulatory agency with jurisdiction for hazardous substance cleanup.</p> <p>Developer shall provide proof to the City of Costa Mesa Planning Division in the form of written correspondence that either the Santa Ana Regional Water Quality Control Board, the Orange County Health Care Agency, or other appropriate regulatory agency, has been consulted for guidance and oversight with regard to the Remediation Action Plan.</p> <p>Prior to the issuance of building permits for any of the new commercial buildings, the developer shall submit to the Planning Division either a "<b>letter of case closure</b>" or a letter stating that the site is deemed suitable for the construction of commercial buildings, from either the Santa Ana Regional Water Quality Control Board, Orange County Health Care Agency, or other appropriate regulatory agency with jurisdiction regarding remediation of leaking underground storage tanks and any other hazardous substances issues.</p>	<p>Prior to issuance of building permits for new commercial buildings</p>	<p>Developer</p>
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# ATTACHMENT 4

City of Costa Mesa

RECEIVED  
CITY CLERK

Appeal of Planning Commission Decision - \$1070.00  
 Appeal of Zoning Administrator/Staff Decision - \$670.00

2008 NOV 17 PM 4:18

## APPLICATION FOR APPEAL, REHEARING, OR REVIEW

CITY OF COSTA MESA  
BY \_\_\_\_\_

Applicant Name\* ANNA R. LAURI

Address 1234 E. 17TH ST. SANTA ANA, CA 92701

Phone 714.460.1552 Representing RED MOUNTAIN RETAIL GROUP

REQUEST FOR:  REHEARING  APPEAL  REVIEW\*\*

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

PA - 07 - 39 , NOVEMBER 10TH , 2008

Decision by: PLANNING COMMISSION

Reasons for requesting appeal, rehearing, or review:

THE MASTER PLAN APPLICATION DOES COMPLY WITH COSTA MESA MUNICIPAL CODE, SECTION 13-29(g)(5) IN THAT THE MASTER PLAN DOES MEET THE BROADER GOALS OF THE GENERAL PLAN AND THE ZONING CODE.

FURTHERMORE, THE PLANNING COMMISSION FAILED TO PRESENT AND INCLUDE ANY SUBSTANTIAL EVIDENCE TO JUSTIFY THEIR DENIAL.

THIS APPLICATION IN NO WAY LIMITS OUR EVIDENCE TO WHICH THIS APPEAL IS BEING MADE.

Date: 11.17.08

Signature: Anna R. Lauri

\*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.

\*\*Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

If appeal, rehearing, or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal, rehearing, or review:

# ATTACHMENT 5

## RESOLUTION NO. PC-08-78

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-07-39

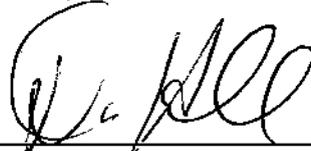
THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Anna R. Lauri of Red Mountain Retail Group for Harbor Hamilton, LLC, owner of real properties located at 2089, 2099 Harbor Boulevard and 511 Hamilton Street, requesting approval of a master plan to remodel three existing buildings and construct four new buildings for a 19,000 square-foot commercial center; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 10, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **DENIES** Planning Application PA-07-39 with respect to the property described above.

**PASSED AND ADOPTED this 10<sup>th</sup> day of November, 2008.**



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Donn Hall, Chair  
Costa Mesa Planning Commission



**EXHIBIT "A"**

**FINDINGS (DENIAL)**

- A. The project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
1. The project is not compatible and harmonious with uses on surrounding properties.
  2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(5) in that the master plan does not meet the broader goals of the General Plan and the Zoning Code. Specifically, the existing buildings at the corner of the property, which were proposed to be remodeled in conjunction with the construction of new buildings, are nonconforming with regard to building setbacks from the street, resulting in reduced landscape setbacks on a visible corner lot. Additionally, the location of the proposed new buildings will have limited visibility from Harbor Boulevard due to the location of the existing buildings, and will not create a viable development for future tenants. This project does not exhibit excellence in design, site planning, integration of uses, and protection of the integrity of neighboring development.
- C. The Costa Mesa Planning Commission has denied PA-08-12. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.